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VIA E-FILING

The Honorable Leonard P. Stark
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

Re: ConocoPhillips Petrozuata B.V., et al. V. Bolivarian Republic of Venezuela,
C.A. No. 1:22-mc-00464-LPS

Dear Judge Stark:

ConocoPhillips Petrozuata B.V., ConocoPhillips Hamaca B.V., and ConocoPhillips Gulf of Paria B.V. (collectively, “ConocoPhillips”) respectfully submits this joint status report on behalf of all Parties to the above-captioned action and pursuant to the Court’s oral order of November 1, 2023 (D.I. 24) directing the Parties to provide their position(s) as to: (1) what impact, if any, the November 1, 2023 memorandum opinion and order (the “November 1 Opinion”) issued in several judgment creditor actions¹ has on the pending motion for a writ of attachment (D.I. 2) and on the cross-motion to dismiss (D.I. 11); and (2) whether oral argument is still requested, and if so, how much time is required for the same. The Parties met and conferred on November 3, 2023 and each have drafted the following positions.

ConocoPhillips’ Position: The Parties agree the November 1 Opinion resolves some of the issues presented by Venezuela’s opposition to ConocoPhillips’ motion for a writ of *feri facias* and PDVSA’s cross-motion to dismiss. ConocoPhillips has previously argued and continues to maintain that the Court’s prior rulings, including the November 1 Opinion, should be dispositive of ConocoPhillips’ motion. However, Venezuela and PDVSA have presented arguments concerning collateral estoppel, judicial estoppel and res judicata that were not raised against other judgment creditors. ConocoPhillips maintains that those arguments are without merit and can be readily decided on the papers.

Venezuela Parties’ Position: Subject to the Venezuela Parties’ right to appeal the Court’s November 1 Opinion, the Venezuela Parties recognize that the Court’s ruling in the November 1 Opinion on the Delaware law question disposes of that one issue in this case as well. But, while the Venezuela Parties respectfully disagree with this Court’s ultimate conclusion that they were

¹ See e.g., Case No. 19-mc-79, D.I. 84, 85.

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collaterally estopped from litigating that question, some of the Court's supporting reasoning only further reinforces the arguments made in PDVSA's cross-motion to dismiss under the FSIA as to why Conoco is precluded from asserting that PDVSA assets can be attached in these proceedings to satisfy the Republic's obligations under the underlying ICSID award. The Venezuela Parties believe that the Court would benefit from hearing argument on that latter issue. It is respectfully requested that the Court not schedule oral argument for the week of November 20 or on December 7, 2023 due to the travel schedules of PDVSA's and the Republic's counsel.

* * * * *

The Parties agree that should the Court grant that request for oral argument, one hour is sufficient time for the Parties to be heard on those issues.

Respectfully submitted,

/s/ Garrett B. Moritz

Garrett B. Moritz (Bar No. 5646)

Cc: All Counsel of Record